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MAILED
MAY 18 2012
OFFICE OF PETITIONS

In re Application of :
Hahn-Carlson :
Application No. 09/527,717 :
Filed: March 17, 2000 :
Attorney Docket No. 1171-018US03 :
For: VALIDATION APPROACH FOR
AUDITING A VENDOR-BASED
TRANSACTION

This is a decision on the constructive petition under 37 CFR 1.181, filed March 26, 2012, requesting that the Office withdraw the holding of abandonment in the above-identified application.

The petition under 37 CFR 1.181 is **GRANTED**.

On January 25, 2012, the Board of Patent Appeals and Interferences affirmed the rejection of claims 13 and 16-26 and reversed the rejection of claim 27. On February 7, 2012, the Office mailed a Notice of Abandonment.

Petitioner argues that the application is not abandoned because the decision on appeal did not affirm the rejection of all of the claims.

Per MPEP 1214.06 Examiner Sustained in Whole or in Part [R-8] [R-3] :

...
(B) If the Board or court affirms a rejection against an independent claim and reverses all rejections against a claim dependent thereon, after expiration of the period for further appeal, the examiner should proceed in one of two ways:

(1) Convert the dependent claim into independent form by examiner's amendment, cancel all claims in which the rejection was affirmed, and issue the application; or

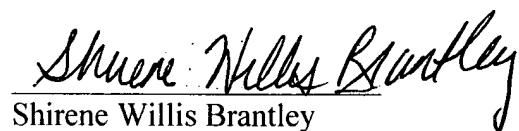
(2) Set a 1-month time limit in which appellant may rewrite the dependent claim(s) in independent form. Extensions of time under 37

CFR 1.136(a) will not be permitted. If no timely reply is received, the
**>application is abandoned since no claims stand allowed.<

The Office should have set a 1-month time limit to rewrite the dependent claim in independent form. The March 26, 2012 amendment appears to be a proper reply to the January 25, 2012 Board decision. As such, the petition under 37 CFR 1.181 is granted, the holding of abandonment is withdrawn, and the February 7, 2012 Notice of Abandonment is vacated. No petition fee has been or will be charged in connection with this matter.

This application is being returned to Technology Center A.U. 3718 for the examiner's consideration of the amendment filed on March 26, 2012.

Telephone inquiries pertaining to this matter may be directed to the undersigned at (571) 272-3230.



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Office of Petitions